

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1699 Session of 2015

INTRODUCED BY R. BROWN, COHEN, CORBIN, DAVIS, DeLUCA, DIGIROLAMO, GINGRICH, HARHAI, HEFFLEY, KAUFER, KLUNK, MARSHALL, MASSER, D. PARKER, READSHAW, ROTHMAN, SNYDER, TAYLOR AND FARRY, MARCH 22, 2016

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 15, 2016

AN ACT

1 Providing for limitations on the dispensing of opioid analgesic <--  
2 drug products in hospital emergency departments and urgent  
3 care centers and for duties of the Department of Health; and  
4 imposing a penalty.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Safe  
9 Emergency Prescribing Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Emergency department." An entity within a hospital that is  
15 organizationally distinct from other outpatient facilities and  
16 whose primary function is to provide emergency accident or  
17 emergency medical or surgical care.

1 "Health care practitioner." As defined in section 103 of the  
2 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
3 Facilities Act, including a practitioner who provides services  
4 in an emergency department at a hospital or urgent care center  
5 and is authorized to prescribe medication under the laws of this  
6 Commonwealth.

7 "Hospital." As defined in section 802.1 of the Health Care  
8 Facilities Act.

9 "Opioid drug product." A drug product that contains an  
10 opioid agonist and is designated by the United States Food and  
11 Drug Administration for the treatment of pain.

12 "Urgent care center." An organization or business entity  
13 that provides outpatient treatment to patients with urgent  
14 medical conditions, illnesses or injuries on an unscheduled  
15 basis but that is not licensed as a hospital or an ambulatory  
16 surgical facility.

17 Section 3. Prescribing practices.

18 (a) Limitation on quantity of opioid drug products.--A  
19 health care practitioner may not prescribe an opioid drug  
20 product to an individual seeking treatment in an emergency  
21 department or urgent care center in a quantity sufficient to  
22 treat that individual for more than seven days.

23 (b) Refills.--A health care practitioner in an emergency  
24 department or urgent care center may not authorize the refilling  
25 of a prescription for an opioid ~~analgesic~~ drug product that has <--  
26 been lost, stolen or destroyed.

27 Section 4. Referral to treatment.

28 A health care practitioner shall refer an individual for  
29 treatment if the individual is believed to be at risk for  
30 substance abuse while seeking treatment in an emergency

1 department or urgent care center.

2 Section 5. Use of prescription drug monitoring program.

3 To determine whether a patient may be under treatment with an  
4 opioid drug product by another health care practitioner, the  
5 prescribing health care practitioner shall access the  
6 prescription drug monitoring program in accordance with section  
7 8 of the act of October 27, 2014 (P.L.2911, No.191), known as  
8 the Achieving Better Care By Monitoring All Prescriptions  
9 Program (ABC-MAP) Act.

10 Section 6. Regulations.

11 The Department of Health shall promulgate regulations to  
12 carry out this act.

13 Section 7. Penalty.

14 A health care practitioner who violates any provision of this  
15 act commits unprofessional conduct and shall be subject to  
16 disciplinary action under the licensure, certification,  
17 registration or permit provisions of law and regulation  
18 governing the respective health care practitioner.

19 Section 8. Effective date.

20 This act shall take effect in 60 days.